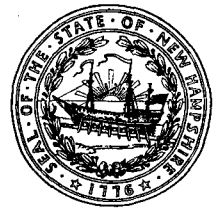


State of New Hampshire
DEPARTMENT OF ENVIRONMENTAL SERVICES

6 Hazen Drive, P.O. Box 95, Concord, NH 03302-0095

(603) 271-2147 FAX (603) 271-6588



LETTER OF DEFICIENCY
SP 05-010

November 14, 2005

Robert A Maccini
22 Forest Street
Woodsville, NH 03785

RE: DES Wetlands File #2005-00041 483 Beach Road, Pittsburg

Dear Mr. Maccini:

On November 4, 2005, personnel from the Department of Environmental Services ("DES") conducted an inspection of the above referenced property, more specifically referenced on Town of Pittsburg Tax Map U7 as Lot 59,61,63 (the "Property"). The purpose of the inspection was to determine compliance with RSA 483-B and NH Code of Admin. Rules Env-Ws 1400-1411.

During the inspection the following deficiencies were documented:

1. More than 50 percent of the vegetation was removed or cut along the immediate shoreline in an area measuring approximately 15 feet deep and 125 feet long;
2. Within the area measuring 15 feet by 125 feet, DES personnel documented 13 tree stumps and 21 sapling/shrub stumps along the immediate frontage, located outside of the allowable building envelope;
3. An additional area measuring approximately 800 square feet located outside the building envelope along the water front side of the lot was completely devoid of all vegetation, including stumps;
4. Shoreland Waiver #2005-00041 issued by the Department to Robert Maccini on February 22, 2005 was subject to the following conditions:
 - “3. Unnecessary removal of vegetation within the shoreland during construction shall be prohibited. And;
 9. The owner shall maintain compliance with all other requirements of the Comprehensive Shoreland Protection Act, RSA 483-B.”
5. The erosion control measurers were not properly installed and maintained on the subject property;

In response, you are requested to take the following actions:

1. Immediately secure and properly install the silt fence along the frontage, and cover all exposed soils with mulch and within 10 days of the date of this letter, submit photo documentation that the silt fence is properly installed and all exposed soils have been mulched.
2. Within 30 days of receipt of this Letter of Deficiency, submit a restoration plan to DES for review and approval. Have the restoration plan prepared by a professional environmental consult or licensed forester, and include provisions for reestablishing a well distributed stand of native trees, saplings, shrubs and ground cover along the frontage on the subject property. Submit the following with the restoration plan:
 - a. A plan with dimensions, drawn to scale, showing:
 1. Existing conditions, with all stumps, standing vegetation, and existing structures with the appropriate building envelopes; and
 2. Proposed conditions after reestablishing the jurisdictional woodland buffer restoration area;
 - b. A detailed description of the proposed means of erosion control (silt fence, hay bales, etc) and stabilization of the restoration area;
 - c. A detailed description of the proposed planting plan for the stabilization and revegetation of the restoration area. A plantings plan showing the number, type of plant species, proposed location of plantings, and diameters of the plant species at breast height. Tree replacements shall be a minimum of 10 - 12 feet in height, saplings should be a minimum of 4-6 feet in height, shrubs should be a minimum of 36" in height and all plantings should be from the list of New Hampshire native and naturalized species.
 - d. A description of the proposed construction sequence and methods for accomplishing restoration and anticipated restoration compliance date.
 - e. A description of the method of documenting at least 75% survival of all vegetation planted during the restoration project. This should include at a minimum monitoring progress reports for two successive growing seasons following completion of the restoration project.
3. Retain a qualified environmental consult to supervise the implementation of the restoration plan and to submit the restoration progress reports.
4. Implement the restoration plan only after receiving written approval and as conditioned by DES.

RSA 483-B, the New Hampshire Comprehensive Shoreland Protection Act, was enacted to protect and preserve the shorelands of the State to maintain the integrity and exceptional quality

of the State's public waters. RSA 483-B and Env-Ws 1400-1411 establish minimum standards for the future subdivision, use, and development of the shorelands within 250 feet of the state's public waters.

DES personnel may conduct another inspection at a later date to determine whether you have come into and are maintaining full compliance with the applicable statute and rules.

Issuance of this letter shall not preclude further enforcement by DES. Failure to comply with RSA 483-B will result in enforcement by DES, including but not limited to the issuance of fines, administrative orders, or referral to the New Hampshire Office of the Attorney General for prosecution of civil or criminal penalties. If an order is issued to you, it may also be recorded with the Registry of Deeds as an encumbrance against your property.

All documents submitted in response to this Letter of Deficiency should be addressed as follows:

Jeffrey D. Blecharczyk
Wetlands Bureau
Department of Environmental Services
29 Hazen Drive
PO Box 95
Concord, NH 03302-0095

Should you have any questions regarding this letter, or wish to arrange a meeting, please contact Jeffrey D. Blecharczyk at (603) 271-6876.

Sincerely,

COPY
Collis G. Adams for

Collis G. Adams, CWS
Administrator
Wetlands Bureau

CERTIFIED MAIL: 7005 0390 0001 8424 3037

cc: Rene Pelletier, Manager, Land Resources Management Program
Gretchen R. Hamel, Administrator, DES Legal Unit
Pittsburg Conservation Commission
Pittsburg Board of Selectmen
USACOE
Rick Treiss, NHDES Subsurface Bureau